

CJM 5010 -
Timmons



IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

SEP -5 2017

RICK WARREN
COURT CLERK

73 _____

CJ-2017-5010

Case No. _____

Avatar Meher Baba Heartland Center, Inc.,)
an Oklahoma non-profit corporation,)

Plaintiff,)

v.)

State Farm Fire & Casualty Company,)
an Illinois corporation,)

Defendant.)

PETITION

COMES NOW Plaintiff Avatar Meher Baba Heartland Center, Inc. and for its petition against State Farm Fire & Casualty Company alleges and states as follows:

FIRST CAUSE OF ACTION

1. State Farm Fire & Casualty Company ("State Farm") is an insurance company doing business in Oklahoma County, Oklahoma.
2. On or about August 11, 2016, the Plaintiff Avatar Meher Baba Heartland Center, Inc. ("Meher Baba") entered into a policy of insurance for property damage with the Defendant, insuring premises located in Lincoln County, Oklahoma.
3. On or about September 3, 2016, an earthquake struck in the area of the insured premises and caused extensive physical damage to the improvements thereon. The earthquake occurred while the policy was in full force and effect.
4. The subject policy provided coverage for physical loss or damage to the insured premises loss caused by earthquake.
5. State Farm has failed, neglected and refused to pay the full benefits provided for



in the policy for the loss and damage caused by the September 3, 2016 earthquake. State Farm has offered to pay a sum much less than the sum the Plaintiff is entitled to according to policy provisions.

6. Plaintiff has fulfilled its obligations under the contract of insurance and satisfied all policy conditions.

7. By failing to pay for the loss and damage caused by a covered peril, State Farm has violated the terms of the policy and is therefore in breach of the contract of insurance.

8. Plaintiff has been damaged to the extent of the difference in the cost to repair and replace the damage and loss to the insured premises as estimated and adjusted by State Farm. The Defendant underestimated the replacement value at \$14,106.90, whereas the actual replacement value is in excess of \$200,000.

WHEREFORE the Plaintiff Avatar Meher Baba Heartland Center, Inc. is entitled to recover the cost to repair and replace the insured premises as provided for in the policy, for attorney's fees, interests, costs, and such other and further relief prayed for in the second cause of action and as the Court deems Plaintiff is entitled to.

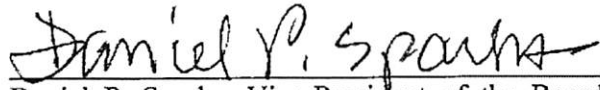
SECOND CAUSE OF ACTION

9. Plaintiff adopts the allegations set forth in its First Cause of Action.

10. State Farm's actions in denying Plaintiff the full extent of its policy benefits violated its duty to act in good faith and deal fairly with the Plaintiff.

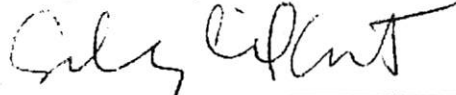
11. As a result of State Farm's bad faith actions, Plaintiff has suffered financial losses and is entitled to recover damages for such losses, which amount exceeds \$75,000.

WHEREFORE Plaintiff prays for damages for Defendant's bad faith actions, for attorney's fees, interests, costs, and such other and further relief as the Court deems Plaintiff is entitled to.



Daniel P. Sparks, Vice-President of the Board of
Directors, Avatar Meher Baba Heartland Center,
Inc.,
Pro Se

Pleading drafted by:



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**NO APPEARANCE IS ENTERED
AS COUNSEL OR RECORD**